

## 2006 ELECTION LAW CHANGES

(Text in italics identifies changes in law)

Ch. 117 (HB1174)  
Eff 7/9/06  
amended

**RSA 40:4-a Secret Ballot.** I. (a) At any meeting of a town with a population of more than 500, 5 voters *who are present* may make a request in writing prior to a vote by voice vote or division vote that the vote be taken by secret ballot. Upon receiving such a request, the moderator shall conduct the vote by secret “yes-no” ballot.

(b) Notwithstanding any other provision of law, on the request of 5 voters *who are present*, the moderator shall conduct a recount of any vote taken by secret written ballot under subparagraph (a). The recount shall take place immediately following public announcement of the vote taken providing that the vote margin is not more than 10 percent of the total vote cast. There shall be no fee required for a recount under this section.

II. At any meeting of a town of a population 500 or less, 3 voters *who are present* may request secret balloting or recounting as provided in paragraph I.

### **RSA 49-B:4, V Municipal Charters; Charter Commission, Membership, Procedure.**

→ Changes from 180 to *170* the number of days after its election, the charter commission shall prepare a preliminary report.....

Ch. 22 (HB5821)  
Eff. 5/30/6  
amended

Changes from 225 to *231* days after its election, the charter commission shall submit to the municipal officers its final report....

↘ **RSA 49-B:5-a, I Municipal Charters; Joint Review by State Agencies.** Changes from 14 to 30 days of the receipt of said report, the secretary of state, attorney general and commissioner of the department of revenue administration, *or their designees* shall *jointly* review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

Ch. 78 (HB 1173)  
Eff 7/1/06  
NEW

**RSA 652:14-a City Chief Elections Officer.** *The city clerk shall be the chief elections officer with authority to establish uniform practices and procedures that conform to state and federal law for all elections conducted by the city.*

### **RSA 654:12, III Determining Qualifications of Applicant; Identity; Verification.**

*III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or completion of the affidavit to be completed by a challenged voter. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.*

*IV. Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.*

*V. (a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented. The*

Ch. 300 (SB403)  
Eff. 9/1/06  
NEW

person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voting using his or her name and address and instruct the person to contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

**RSA 654:31 Availability of Checklist. I. In this section:**

- (a) "Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.
- (b) "Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.
- (c) "Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.
- (d) "Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist shall furnish one or more copies of the most recent public checklist of their town or city to any person requesting such copies. The supervisors of the checklist may only provide checklist information for their town or city. The supervisors of the checklist may charge a fee of up to \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist may charge a fee of up to \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

III. Any person may view the data that would be available on the public checklist, as corrected by the supervisors of the checklist, on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data. The secretary of state may only provide copies of the most recent public checklist to a political committee of a political party as defined in RSA 664:2, V, or to a candidate who has filed for consideration for any office in any primary or general

election or who has been nominated for any office in a general election. The secretary of state may not provide public checklists of less than the entire state. The secretary of state may charge a fee of up to \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the statewide public checklist. The secretary of state may provide public checklists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form.

IV. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city under this section shall be for the use of the town or city.

V. No person shall use or permit the use of checklist information provided by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

VI. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

**RSA 654:31-a Right to Know Exemption.** The information contained on the checklist of a town or city, specifically, the name, street address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, citizenship and domicile affidavits, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, citizenship and domicile affidavits, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

**RSA 654:36-a Request to Correct the Checklist.** I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon evidence that a person listed on the checklist is not qualified as a voter in the town or ward. The clerk shall forward requests for correction of the checklist to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine whether or not it is more likely than not that the person's qualifications are in doubt.

II. If the supervisors of the checklist determine that it is more likely than not that the person's qualifications are in doubt, they shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist.

**RSA 654:36-b Reports of Change of Address.** If the supervisors of the checklist receive a report from the United States Postal Service or the department of safety directly or as communicated by the secretary of state through the centralized voter registration database that a voter has permanently changed his or her address to another town, city, or state, they shall strike that name from the checklist at the next session for the correction of the checklist. As an alternative, the supervisors of the checklist may first send a 30-day notice letter and then shall remove the name from the checklist if the voter does not respond to that notice.

Ch. 94 (HB391)  
Eff. 7/8/06  
Amended  
**AND**  
Ch. 305  
(HB1238)  
Eff. 8/18/06  
Amended

Ch. 243 (HB  
1567)  
Eff. 7/31/06  
NEW

Ch. 305 (HB1238)  
Eff. 8/18/06  
Amended

**RSA 654:45, VI Centralized Voter Registration Database; Jury Lists.** The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. *The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists.* The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

Ch. 72 (HB1125)  
Eff. 6/26/06  
amended

**RSA 655:47, II Presidential Nominations; Declaration of Candidacy; Filing Period.** II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, *or during such other time period as the secretary of state shall announce.*

Ch. 32 (HB1122)  
Eff. 6/3/06  
amended

**RSA 655:81, I Nominations for Special State Elections; Coincidence with Regular Election.**

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; *provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; and*

Ch. 23 (HB1118)  
Eff. 5/30/06  
NEW

**RSA 656:1-a Paper Ballots.** *For purposes of facilitating the examination and recounting of votes cast, all elections shall be conducted using paper ballots in accordance with this title.*

Ch. 136 (HB 221)  
Eff. 7/21/06  
amended

**RSA 657:1 Absence, Religious Observance, and Disability Absentee Voting.** Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he *or she* is registered to vote or who cannot appear in public on any election day because of his *or her* observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. *A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this chapter.*

Ch. 136 (HB 221)  
Eff. 1/1/07  
amended  
Repealed and  
reenacted

**RSA 657:4 Forms.** Prior to any state election, the secretary of state shall prepare the appropriate applications forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

I. Absence (Excluding Absence Due to Residence Outside the Continental United States), Religious Observance, and Disability:

New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:

- a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.
- b. Cannot appear in public on election day because of observance of a religious commitment.
- c. Are unable to vote in person due to a disability.
- d. Cannot appear at any time during polling hours at your polling place because an employment obligation requires you to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

RSA 657:1. Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24

I am requesting an absentee ballot for the following election:

\_\_\_\_\_ State Primary. I am a member of the: \_\_\_\_\_ Republican Party \_\_\_\_\_ Democratic Party or I am now declaring my affiliation with that party and am requesting a ballot for that party's primary.

\_\_\_\_\_ General Election

Applicant's Name \_\_\_\_\_ (Last)(First)(Middle)(DOB)

Applicant's Voting Domicile (home address): \_\_\_\_\_ (Street)(City/Town)(zip)

Mail the ballot to me at this address: \_\_\_\_\_

I declare that:

\_\_\_\_\_ I am a duly qualified voter who is currently registered to vote in this town/ward.

\_\_\_\_\_ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot at the election designated above because:

\_\_\_\_\_ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domicile.

\_\_\_\_\_ I cannot appear in public on election day because of observance of a religious commitment.

\_\_\_\_\_ I am unable to vote in person due to a disability.

\_\_\_\_\_ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

This application form must be signed by the applicant. The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.

Signature of the Applicant: \_\_\_\_\_

II. Any person that publishes, mails, or distributes in any manner any written communication that contains a form or postcard which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section. Any person that violates this paragraph shall be subject to a civil penalty not to exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

III. (a) Absence Due to Residence Outside the Continental United States:

To the city or town clerk of \_\_\_\_\_

I, \_\_\_\_\_, hereby apply for an official absentee ballot. I am a duly qualified voter and entitled to vote in ward \_\_\_\_\_, city or town of \_\_\_\_\_

Mail absentee ballot to \_\_\_\_\_ Signature \_\_\_\_\_

Street and Number \_\_\_\_\_ City or Town, State and Country \_\_\_\_\_

(b) Overseas Voting:

To the city or town clerk of \_\_\_\_\_

I, \_\_\_\_\_, hereby apply for an official overseas citizens federal election absentee ballot. I am a duly qualified overseas voter and entitled to vote in federal elections held in the city or town of \_\_\_\_\_. Mail overseas citizens federal election absentee ballot to \_\_\_\_\_.

Signature \_\_\_\_\_ Street and Number \_\_\_\_\_ City or Town, Province, Country \_\_\_\_\_

(c) Armed Services Voting:

To the town or city clerk of \_\_\_\_\_

I, \_\_\_\_\_, hereby apply for an official armed services absentee ballot. I am:

- a. A member of the armed forces of the United States. ( )  
Service Organization \_\_\_\_\_
- b. A member of the merchant marine of the United States. ( )
- c. A civilian employee of the United States government serving outside the United States. ( )
- d. A member of a religious group or welfare agency assisting members of the armed forces. ( )  
Organization \_\_\_\_\_
- e. A spouse or dependent of a person listed in a, b, c, or d above. ( )
- My complete service address is: \_\_\_\_\_
- My (non-military) domicile in New Hampshire immediately prior to such service was: street and number \_\_\_\_\_ city or town \_\_\_\_\_
- Signature of Applicant \_\_\_\_\_

Ch. 136 (HB 221)  
Eff. 7/21/06  
amended

**RSA 657:7, II(a) Absentee Voter Affidavit; Absence from City or Town.** (a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_; that I will be *unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise* absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). (Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Ch. 166 (HB380)  
Eff. 7/23/06  
NEW

**RSA 657:21-a Special Assistance to Emergency Services Worker.** *I. If an emergency services worker receives notice after noon on the Friday before any state election that he or she is being called into service under circumstances that will prevent that person from obtaining an absentee ballot before leaving and from voting in person at the polls on election day, upon notification that such a call-out has occurred, the secretary of state with assistance from the attorney general and the department of safety shall make every reasonable effort to cause absentee ballot request forms, absentee ballots, absentee affidavits, and any other materials necessary to vote to be transported to the emergency services workers and to be returned to town or city clerk of each voter's town or ward.*

*II. For the purposes of this section, "emergency services worker" shall include law enforcement, emergency medical services personnel, firefighters, members of the New Hampshire national guard, utility workers, employees or volunteers for the American Red Cross, and any other emergency worker declared such by the bureau of emergency management in the division of emergency services, communications, and management, department of safety.*

*III. For the purposes of this section "every reasonable effort" includes, but is not limited to:*

- (a) Employing local, county, or state law enforcement to transport ballots, affidavits, and other necessary materials to and from the site in New Hampshire where emergency services are temporarily housed, staged, or deployed for an in-state emergency.*
- (b) Causing ballots, affidavits, and other necessary materials to be transported by the United States mail or commercial overnight courier to and from an out-of-state site where emergency services workers are temporarily housed, staged, or deployed for an out-of-state emergency.*

*IV. For the purposes of this section "circumstances that will prevent that person from voting in person at the polls on election day" shall include deployment to any disaster that has been declared by the President of the United States or the governor of New Hampshire.*

V. Notwithstanding any provision of the law to the contrary, any ballot returned to a polling place pursuant to this section which arrives before the polls are closed shall be processed according to law and if found otherwise in conformance with law shall be counted.

VI. If, in the judgment of the secretary of state, time does not permit obtaining and transporting the local ballot for each emergency services worker, the secretary of state may prepare and issue a statewide-offices-only absentee ballot for the purposes of this section.

VII. The secretary of state, in cooperation with the department of safety and the attorney general, shall develop procedures for implementing this section. The procedures shall include publication of an emergency telephone number available 24 hours daily during the period covered by this section, to allow after-hours and weekend notification to the secretary of state that this section is being invoked. Suitable information on the availability of this section shall be made available to persons covered by this section.

VIII. The public agency or employer of emergency services workers responsible for making call-outs subject to the provisions of this section shall provide the secretary of state with the name and domicile address of each person called out and an address where an absentee ballot may be delivered on the Saturday, Sunday, or Monday prior to the election at the site of the emergency.

IX. If the costs of executing this section at any election exceed \$500, the secretary of state shall certify the same to the state treasurer, and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Ch. 78 (HB1173)  
Eff. 7/1/06  
NEW

**RSA 659:9-a City Chief Elections Officer Duties.** *The city chief elections officer shall establish uniform practices and procedures that conform to state and federal law for the conduct of elections at all polling places within the city. The moderators and other election officials who conduct elections at the individual polling places within the city shall comply with the uniform procedures established for the city by the city chief elections officer. The secretary of state shall resolve any conflicting interpretations of state and federal laws arising between the chief elections officer and other election officials. The legislative body of any city may vote to have the duties of the ward officers relative to the selection and equipping of polling places assigned to the city chief elections officer.*

Ch. 300 (SB403)  
Eff. 9/1/06  
amended

**RSA 659:13 Obtaining a Ballot.** A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the *paper* checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

Ch. 94 (HB391)  
Eff. 7/8/06  
amended

**RSA 659:30 Affidavit.** The affidavit of a challenged voter, a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before any election officer.

Ch. 68 (HB1222)  
Eff. 9/1/6  
amended

**RSA 659:34, II. Wrongful Voting: Penalties for Voter Fraud.** II. *A person is guilty of a class B felony if, at any election, such person purposefully or knowingly commits an act specified in subparagraph I(b). A person is guilty of a class A misdemeanor if, at any election, such person purposefully or knowingly commits any of the other acts listed in paragraph I.*

Ch. 68 (HB1222)  
Eff. 9/1/6  
NEW

**RSA 659:34-a Voting in More Than One State Prohibited.** I. *A person is guilty of a class B felony if, at any election, such person knowingly checks in at the checklist and casts a New Hampshire ballot on which one or more federal or statewide offices or statewide questions are*

*listed if the person also casts a ballot in the same election year in any election held in any other state or territory of the United States where one or more federal or statewide offices or statewide questions are listed. For federal or statewide offices and statewide questions, neither the candidates nor the questions need be the same in both jurisdictions for a violation to occur. The titles for offices need not be identical, but must serve an equivalent role in government, for a violation to occur.*

*II. Two or more elections occur with the same election year if:*

*(a) The election for federal or statewide office or on a question being voted on statewide in another state or territory is held on the same day that New Hampshire holds its general election; or*

*(b) The term of office for any office listed on the ballot in the other state or territory starts in the same year as the term of office for that office or its equivalent in New Hampshire.*

*III. The state shall not be required to prove that the person actually marked the ballot for a candidate for any specific office; it shall be sufficient to prove that the person cast a ballot. Evidence that a person was checked off on the checklist, or the equivalent record in another state or territory as having voted is prima facie evidence that the person cast a ballot in that election.*

*IV. If the election in New Hampshire and the other state or territory are held on different dates, it is an affirmative defense that the person legitimately moved his or her domicile to or from the other state or territory between the dates when elections were held.*

Ch. 305 (HB1238)  
Effl 1/1/07  
amended

**RSA 659:40-a Interference With Communications.** Any person who, on the day of any election, knowingly blocks, or solicits another person to block, the access of any candidate or committee to the candidate's or the committee's communications equipment or services with the intent of interfering with campaign activity shall be guilty of a class *B felony*.

Ch. 305 (HB1238)  
Effl 1/1/07  
amended

**RSA 659:42 Tampering with Voting Machines.** Whoever shall tamper with or injure or attempt to injure any voting machine or device for the computerized casting and counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such machine or device *or whoever shall tamper with software used in the casting or counting of ballots or design such software so as to cause incorrect tabulation of the ballots* or any unauthorized person who shall make or have in his *or her* possession a key to a voting machine to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

Ch. 94 (HB391)  
Eff. 7/8/06  
amended

**RSA 659:101 Preservation of Absentee Voting Materials, Election Day Affidavit, and Domicile Affidavits.** The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the citizenship affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official may be preserved in the same manner that ballots are preserved. *Citizenship, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials may be destroyed one year after the first state general election at which the individual may vote.*

Ch. 41 (HB1147)  
Eff. 6/17/06  
amended

**RSA 660:5 Conduct of Recount.** If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as *the secretary of state* may require. *When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots.* The candidates, their counsel, and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. Each candidates or his *or her* counsel shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is



resolved, at which time *the secretary of state* shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

Ch. 41  
(HB1147)  
Eff. 6/17/06  
amended

**RSA 660:11 Conduct.** The secretary of state shall request that all town and city clerks forward ballots containing such proposed amendment to *the secretary of state* forthwith, and the clerks shall immediately forward them. At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as *the secretary of state* may require. *When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used the counting of ballots.* The ballots shall be open to the inspection of the petitioners and other interested persons under such suitable rules as the secretary of state may prescribe. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

Ch. 41  
(HB1147)  
Eff. 6/17/06  
amended

**RSA 660:12 County Referendum.** The secretary of state shall recount the ballots cast on any question which may be submitted to the voters of a county at a state general election under the provisions hereinafter set forth. Application for such recount shall be by written petition signed by at least 50 legal voters of said county presented to the secretary of state no later than the second Friday following the state general election. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state at such time as the secretary of state may appoint and under such rules of procedure as he *or she* shall determine. *When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots.* The secretary of state shall publish notice of the time and place of the recount once in a paper of general circulation throughout the county. The fee for such a recount on a question voted on throughout a county shall be \$25 which shall be paid to the secretary of state by the person submitting the application. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

Ch. 41 (HB1147)  
Eff. 6/17/06  
amended

**RSA 660:14 Conduct.** At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as *the secretary of state* may require. The ballots shall be open to the inspection of the petitioners, the officials of the city or town, counsel, if any, of the same, and other interested persons under such suitable rules as the secretary of state shall prescribe. *When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots.*

Ch. 32 (HB1122)  
Eff. 6/3/06  
amended

**RSA 661:8, II Vacancies; State Representative.** II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and RSA 655:82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and RSA 655:82 by a special election if the selectmen of any town or *the city for any ward* in said district so request of the governor or council.

Ch. 97 (HB1172)  
Eff. 1/1/07  
amended

**RSA 664:3, I Registration of Political Committees.** I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, *but in no event later than 14 days after the formation of the committee.* The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the election fund established pursuant to RSA 5:6-d; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each

political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson *and* treasurer or agent, and *the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.*

Ch. 57 (HB1217)  
Eff. 6/23/06  
amended

**RSA 664:11 Public Inspection.** All statements, assents, and registrations filed by state committees, candidates, and political committees shall be open to public inspection. *The secretary of state shall publish on the Internet information on all contributions reported under this chapter, including the name of the contributor, the contributor's home state, and the date of the contribution.*

Ch. 273 (HB349)  
Eff. 8/14/06  
amended

**RSA 664:17 Placement and Removal of Political Advertising.** No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. *Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes.* No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to *public property or any private property except the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept for one week at a place designated by the state, city, or town so that the candidate may retrieve the items.*

Ch. 136 (HB 221)  
Eff. 7/21/06  
amended

**RSA 669:26 Absentee Voting.** Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. *A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this section and RSA 669:27-669:29.*

Ch. 136 (HB 221)  
Eff. 7/21/06  
amended

**RSA 669:27, III.** Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties for voting fraud set forth below, that I am a voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be *unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and enclosed and sealed it in this envelope.* (Signature) \_\_\_\_\_

REMAINDER OF SECTION III REMAINS UNCHANGED

Ch. 41  
(HB1147)  
Eff. 6/17/06  
amended

**RSA 669:32 Board of Recount.** At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator, and the selectmen of said town who shall constitute the board of recount. *When counting the ballots, the board of recount or their assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots.* Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself or herself from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the recount official whom he *or she* has replaced.